

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CHICAGO TILE INSTITUTE	)	
WELFARE PLAN, CHICAGO TILE	)	
INSTITUTE PENSION PLAN, AND	)	
CERAMIC TILE, TERRAZZO, & GRANITE	)	
CUTTERS UNION LOCAL NO. 67,	)	08 C 108
	)	Judge Gottschall
v.	)	
	)	
SHAMROCK TILE & MARBLE, LLC.	)	
	)	
Defendant.	)	

***Motion For Judgment By Default***

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Plaintiffs, by its Attorney, Michael J. McGuire, move this Court to enter Judgment by Default according to Rule 55 of the Federal Rules of Civil Procedure for Defendant's failure to appear, answer or otherwise plead. Further, in support of this Motion the Plaintiffs state:

1. Plaintiffs filed their complaint on January 7, 2008 and Defendant was personally served with a copy of the Complaint and Summons on January 20, 2008. **(Group Exhibit A)**
2. The Defendant has failed to appear, answer or otherwise plead within the time allowed by the Federal Rules of Civil Procedure.
3. At all times relevant to this action, the Defendant has been bound by the provisions of a Collective Bargaining Agreement and the Trust Agreements, which created the Trust Funds.
4. Pursuant to the provisions of the Trust Agreements and Collective Bargaining Agreement, the Defendant is required to submit monthly reports to the Trust Funds which list the number of hours worked by the Defendant's employees and to pay contributions based thereon.
5. The Defendant failed to submit \$21,237.35 in unpaid contributions for the months of October and December 2007. **(Exhibit B)**

6. Pursuant to the provisions of the Trust Agreements and Collective Bargaining Agreement, due to Defendant's delinquency, under the terms of the plans, the Defendant is liable for health care claims made by its employees who fail to qualify for benefits under the terms of the plan due to the delinquency.

7. To date, the Defendant owes \$971.10 in medical claims made by employees of Defendant as a result of unpaid contributions. **(Exhibit B)**

8. By failing to pay the contributions due the Trust Funds in a timely manner, the Defendant owes liquidated damages, and interest. At the present time, the Defendant owes \$2,729.57 in liquidated damages and interest in the amount of \$318.56 . **(Exhibit B)**

9. The Defendant owes the sum of \$1,572.50 for necessary and reasonable attorney fees and costs which are collectible under the terms of the Collective Bargaining Agreements, Trust Agreements and Federal law (29U.S.C. §1132(g)(2)(b)). **(Exhibit C)**

WHEREFORE, Plaintiffs move for Judgment by Default in the amount of \$26,829.08.

By: S/Michael J. McGuire  
MICHAEL J. MCGUIRE

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